

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

MATTHEW T. LOWE,

Plaintiff,

v.

NANCY A. BERRYHILL, Acting  
Commissioner of Social Security,

Defendant.

Case No. 18-CV-1713-JPS

**ORDER**

On October 29, 2018, Plaintiff filed a complaint in this matter and a motion for leave to proceed *in forma pauperis* in relation to a claim regarding Disability Insurance, or SSDI. (Docket #1, #2). This Court may review “any final decision of the Commissioner of Social Security made after a hearing to which [the plaintiff] was a party” within 60 days after the mailing of the Commissioner’s decision. 28 U.S.C. § 405(g).

In order to obtain a final decision from the Commissioner, the Plaintiff must first go through the Social Security Administration’s procedures. The Commissioner of Social Security is “directed to make findings of fact[] and decisions as to the rights of any individual applying for payment.” 42 U.S.C. § 1383(c)(1)(A). If the Plaintiff disagrees with the Commissioner’s determination, he may request a hearing before the Commissioner within 60 days of the notice of determination. *Id.* The matter would become subject to review by this Court only after the Commissioner makes a final determination after that hearing. *Id.* § 1383(c)(3).

Plaintiff’s Statement of Claim contains no evidence that the Commissioner reviewed his claim and issued a final decision after a hearing

to which Plaintiff was a party. (Docket #1 at 3). In the spaces provided to write the dates of the Administrative Law Judge's decision and the Appeals Council's notice or determination, Plaintiff wrote "N/A." *Id.* The statement of additional facts does not contain any information regarding Plaintiff's efforts to present his issue to the Commissioner. Rather, it describes an issue related to who is authorized to receive his benefits and asks for help. It appears to the Court that Plaintiff has not attempted to present his issue to the Commissioner, but instead came to this Court first. The Court must dismiss this action because it lacks jurisdiction to review the complaint.

Accordingly,

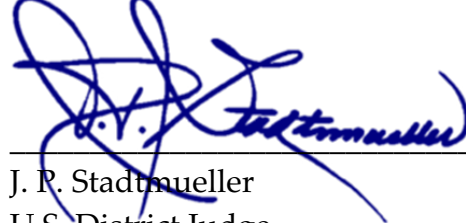
**IT IS ORDERED** that Plaintiff's motion for leave to proceed *in forma pauperis* (Docket #2) be and the same is hereby **DENIED**; and

**IT IS FURTHER ORDERED** that this action be and the same is hereby **DISMISSED without prejudice**.

The Clerk of the Court is directed to enter judgment accordingly.

Dated at Milwaukee, Wisconsin, this 6th day of November, 2018.

BY THE COURT:

A handwritten signature in blue ink, appearing to read "J.R. Stadtmueller", is written over a horizontal line. The signature is stylized and cursive.

J. R. Stadtmueller  
U.S. District Judge